

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

STORMANS, INCORPORATED, doing
business as Ralph's Thriftway, et al.,

Plaintiffs,

v.

MARY SELECKY, Secretary of the
Washington State Department of Health,
et al.,

Defendants,

and

JUDITH BILLINGS, et al.,

Defendant-Intervenors.

NO. C07-5374 RBL

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' OFFER OF PROOF
REGARDING EXPERT
TESTIMONY ON THE
MECHANISM OF ACTION OF
EMERGENCY CONTRACEPTIVES
PLAN B AND *ELLA***

AND

**DEFENDANTS' RESPONSE TO
DEFENDANT-INTERVENORS'
OFFER OF PROOF IN
ACCORDANCE WITH AMENDED
ORDER REGARDING MOTIONS
IN LIMINE (DKT. NO. 458)**

Defendants respond to the Plaintiffs' Offer of Proof Regarding Expert Testimony on the Mechanism of Action of Emergency Contraceptives Plan B and *Ella* [Dkt. #496] and Defendant-Intervenors' Offer of Proof in Accordance with Amended Order Regarding

1 Motions in Limine (Dkt. No. 458) [Dkt. # 493] by asserting that the mechanism of action for
2 purposes of this case is immaterial in deciding the issues before this Court in this case.
3 Defendants agree with the Court's March 15, 2011 Amended Order Regarding Motions in
4 Limine, which deemed expert testimony on this subject "not relevant to the question before
5 this Court." [Dkt. #458].

6 RESPECTFULLY SUBMITTED this 7th day of November, 2011.

7 ROBERT M. MCKENNA
8 Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2011, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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